

EXHIBIT A

LUCAS COUNTY COMMON PLEAS COURT

CORNER ADAMS & ERIE STREETS

TOLEDO, OHIO 43604

SUMMONS

CIVIL ACTION

FILING TYPE:

PRODUCT LIABILITY

THOMPSON CENTER ARMS
2100 ROOSEVELT AVE
SPRINGFIELD, MA 01104

G-4801-CI-0202203700-000
JUDGE: LINDSAY D NAVARRE

You have the right to seek legal counsel. If you cannot afford a lawyer, you may contact the Legal Services of Northwest Ohio. If you do not qualify for services by the Legal Services of Northwest Ohio and do not know an attorney you may contact the Toledo Bar Association's Lawyer Referral Service (419) 242-2000.

You have been named as a defendant in a Complaint filed in this Court by the plaintiff named below. A copy of the Complaint is attached to this Summons.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint, within twenty-eight (28) days after you receive this Summons, exclusive of the day of service or to an amended complaint within the remaining response time to the complaint or 14 days, whichever period may be longer. Your answer must be filed with the Clerk of Court of Common Pleas within three (3) days after the service of a copy of the Answer on the plaintiff's attorney.

If you fail to serve and file your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

PLAINTIFF (S)

LYNN JAMES
6054 BRYAN RD
OREGON, OH 43616

ATTORNEY FOR PLAINTIFF(S)

ANDREW B WOBSEY
2927 NORTH MCCORD ROAD SUITE 100
TOLEDO, OH 43615

BERNIE QUILTER
CLERK OF COURTS

Date: September 12, 2022

 , Clerk



**IF YOU DO NOT HIRE AN ATTORNEY
PLEASE READ & RESPOND**
(mark one & respond)

☐

I request to be notified by email

My email address _____

Send email to: Lwatt@co.lucas.oh.us
Subject: G-4801-CI-0202203700-000
THOMPSON CENTER

ARMS
Message: Your email address

OR

☐

I request to be notified by regular mail
(Clerk will forward to Court for approval)

My mailing address _____

Return this Form with your address to:
Clerk of Court
Lucas County Common Pleas Court
700 Adams
Toledo, OH 43604

**If you do NOT hire an attorney & fail to respond
you will NOT receive notification of events related to this case**

Case Information is available Online at:
www.co.lucas.oh.us/Clerk
click on the "Dockets Online" link

Local Rule 5.05 H. SERVICE BY CLERK'S OFFICE Once journalized, the Clerk of courts Office will transmit the entries to the email address submitted by the parties. Counsel for a party or Pro Se litigant representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts Office.

FILED LUCAS COUNTY
09/09/2022 03:12 PM
COMMON PLEAS COURT
BERNIE QUILTER, CLERK
efile id 106345

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

LYNN JAMES
6054 Bryan Road
Oregon, OH 43616

Plaintiff,

vs.

THOMPSON/CENTER ARMS
2100 Roosevelt Avenue
Springfield, MA 01104

Defendant.

Case No.: **G-4801-CI-0202203700-000**

Judge
Judge: **LINDSAY D. NAVARRE**

COMPLAINT

D. Lee Johnson (0044081)
Andrew B. Wobser (100626)
JOHNSON & ASSOCIATES
2927 North McCord Road, Suite 100
Toledo, OH 43615
(419) 843-2424
(419) 843-2533 – Fax
Lee@LeeJohnsonLegal.com
Andrew@LeeJohnsonLegal.com
Attorneys for Plaintiff

Now comes Plaintiff Lynn James, by and through counsel, and hereby states the following
as his *Complaint*:

COMMON ALLEGATIONS

1. Plaintiff Lynn James is, and was at all times relevant hereto, a resident of the City of Oregon, Lucas County, Ohio.
2. Defendant Thompson/Center Arms is, and was at all times relevant hereto, a business headquartered in Massachusetts and doing business in the State of Ohio, including Lucas County.

3. Defendant Thompson/Center Arms is, and was at all times relevant hereto, in the business of designing, manufacturing, and selling firearms including but not limited to rifles.
4. Prior to October 9, 2021, Defendant Thompson/Center Arms designed and manufactured marketed a rifle with serial number 156647, later purchased by Plaintiff Lynn James.
5. Thompson/Center Arms rifle 156647, designed and manufactured by Defendant, and purchased by Plaintiff in Lucas County, Ohio, contained a manufacturing defect in which a set screw hole for the rear forearm thread screw was to be inserted, was drilled all the way through to the barrel. A copy of Spence Gunsmithing's expert report and photographs of the rifle, all prepared by Todd Spence, are attached hereto and marked as Exhibit A.
6. Industry standard is to drill the hole for the rear forearm screw no more than two-thirds of the thickness of the barrel. See Exhibit A.
7. Defendant Thompson/Center Arms knew or should have known of the defect described in Paragraph 5 yet allowed Thompson/Center Arms rifle 156647 to enter the stream of commerce.
8. On or about October 9, 2021, Plaintiff Lynn James was on private property with recently purchased Thompson/Center Arms rifle 156647.
9. When Plaintiff was sitting and firing his rifle, upon the discharge of Thompson/Center Arms rifle 156647, the rear forearm screw was forced, by the proper ammunition, from the barrel and pierced Plaintiff's left hand, lodging itself in the bone between his pinky and ring fingers. See Exhibit A.
10. As a direct and proximate result of defective Thompson/Center Arms rifle 156647, Plaintiff suffered serious personal injuries and experienced pain including but not limited to his left hand, requiring surgery.

11. As a direct and proximate result of the manufacturing defect of Defendant Thompson/Center Arms, Plaintiff:

- a. sustained serious personal injuries, requiring medical treatment;
- b. has incurred medical expenses which continue as of the date of this filing; and
- c. continues to endure severe pain and discomfort.

COUNT I

Strict Products Liability – Design Defect
Defendant Thompson/Center Arms

12. Plaintiff re-alleges and incorporates paragraphs 1 – 11 as if fully rewritten herein.
13. Defendant Thompson/Center Arms defectively designed its rifles, including rifle 156647, with a hole for a rear forearm screw drilled all the way through the barrel whereas industry standard is to drill the hole for the rear forearm screw no more than two-thirds of the thickness of the barrel, causing the rear forearm screw to shoot from the barrel when the rifle is fired because of increased chamber pressure at the rear of the barrel.
14. On or about October 9, 2021, Defendant's defectively designed rifle 156647 caused the rear forearm screw to shoot from the barrel when fired by Plaintiff and lodge itself in the bone between his pinky and ring fingers.
15. As a direct and proximate result of Defendant's defectively designed rifle, Plaintiff has been damaged as set forth herein.

COUNT II

Strict Products Liability – Manufacturing Defect
Defendant Thompson/Center Arms

16. Plaintiff re-alleges and incorporates paragraphs 1 – 15 as if fully rewritten herein.
17. Defendant Thompson/Center Arms defectively manufactured Thompson/Center Arm rifle 156647 with a hole for a rear forearm screw drilled all the way through the barrel whereas

industry standard is to drill the hole for the rear forearm screw no more than two-thirds of the thickness of the barrel, causing the rear forearm screw to shoot from the barrel when the rifle is fired because of increased chamber pressure at the rear of the barrel.

18. On or about October 9, 2021, Defendant's defectively manufactured rifle caused the rear forearm screw to shoot from the barrel when fired by Plaintiff and lodge itself in the bone between his pinky and ring fingers.
19. As a direct and proximate result of Defendant's defectively manufactured rifle, Plaintiff has been damaged as set forth herein.

COUNT III
Strict Products Liability – Failure to Warn
Defendant Thompson/Center Arms

20. Plaintiff re-alleges and incorporates paragraphs 1 – 19 as if fully rewritten herein.
21. Defendant Thompson/Center Arms knew or should have known rifle 156647 contained a defect in which a hole for a rear forearm screw drilled all the way through the barrel whereas industry standard is to drill the hole for the rear forearm screw no more than two-thirds of the thickness of the barrel, causing the rear forearm screw to shoot from the barrel when the rifle is fired because of increased chamber pressure at the rear of the barrel.
22. Defendant Thompson/Center Arms rifle 156647 was not reasonably safe for its intended use and was defective as a matter of law due to its lack of appropriate, necessary warnings.
23. As a direct and proximate result of Defendant's failure to warn Plaintiff of defective rifle 156647, Plaintiff has been damaged as set forth herein.

COUNT IV
Strict Products Liability – Failure to Warn
Defendant Thompson/Center Arms

24. Plaintiff re-alleges and incorporates paragraphs 1 – 23 as if fully rewritten herein.

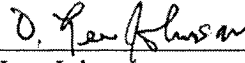
25. Defendant Thompson/Center Arms expected and intended rifle 156647 to reach users such as Plaintiff in the condition in which the product was sold.
26. Defendant Thompson/Center Arms represented to the public that its rifles, including rifle 156647, were safe for use.
27. On or about October 9, 2021, Plaintiff used Thompson/Center Arms rifle 156647 as intended when hunting on private property.
28. On or about October 9, 2021, Plaintiff discharged Thompson/Center Arms rifle 156647, causing the rear forearm screw to shoot from the barrel and pierce Plaintiff's left hand, lodging itself in the bone between his pinky and ring fingers.
29. As a direct and proximate result of Defendant's defectively designed rifle, Plaintiff has been damaged as set forth herein.

COUNT V
Negligence = Defendant Thompson/Center Arms

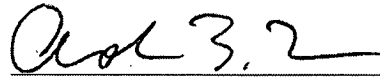
30. Plaintiff re-alleges and incorporates paragraphs 1 – 29 as if fully rewritten herein.
31. Defendant Thompson/Center Arms had a duty to individuals, including Plaintiff, to use reasonable care in designing and manufacturing its rifles, including rifle 156647.
32. Defendant Thompson/Center Arms committed common law negligence by designing, manufacturing, and selling a defective product in the form of rifle 156647.
33. As a direct and proximate result of the negligent acts and/or omissions of Defendant Thompson/Center Arms, Plaintiff has been damaged as set forth herein.

WHEREFORE, Plaintiff Lynn James prays for judgment against Defendant Thompson/Center Arms in an amount in excess of \$25,000.00, plus interest, costs, and other relief that justice so requires on Counts I, II, III, IV, and V of *Plaintiff's Complaint*.

Respectfully Submitted,
JOHNSON & ASSOCIATES

A handwritten signature in cursive script, appearing to read "D. Lee Johnson", written above a horizontal line.

D. Lee Johnson
Attorney for Plaintiff

A handwritten signature in cursive script, appearing to read "Andrew B. Wobser", written above a horizontal line.

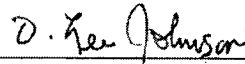
Andrew B. Wobser
Attorney for Plaintiff

PRAECIPE

TO THE CLERK:

Please proceed with certified mail service, return receipt requested, upon the Defendant at the address listed in the caption of *Plaintiff's Complaint*.

Respectfully Submitted,
JOHNSON & ASSOCIATES



D. Lee Johnson
Attorney for Plaintiff

JOHNSON & ASSOCIATES - Becky

Subject: FW: Firearms inspection

From: Spence Gunsmithing <spencegunsmithing@gmail.com>
Sent: Tuesday, March 1, 2022 5:01 PM
To: D. Lee Johnson <lee@leejohnsonlegal.com>
Subject: Re: Firearms inspection

The hardcopy I sent out was returned with some sort of water damage to the address I'm just going to email it to you my report read is follows.

Inspection report:

Spencegunsmithing has completed its inspection of Thompson center rifle serial number 156647

Upon inspection it was discovered the cause of this weapons failure was due to the rear forearm screw hole being drilled all the way through the barrel. The hole as seen in the picture was very obviously tapped its entire depth meaning this whole must have been "through drilled" or another words drilled all the way through prior to being tapped. This is a very obvious manufacturing mistake As it is industry standard to drill no more than 2/3 the thickness of the barrel when drilling and tapping barrels. There were no other defects to the barrel or signs of mistempering. The problem was compounded by the fact that they drove all the way through and one of their highest pressure chamberings the 460 S&W. The ammo was disassembled and inspected for correct charge wait. In addition to drilling all the way through they did so at the very rear of the barrel where chamber pressures will be the highest. We believe this mistake could have been very easily avoided in our opinion this is the only cause of failure for this rifle. We have included pictures showing there are tap marks all the way through.

If you have any questions please call or email us.

: also what we shipped out

1 case

2 receiver with attached stock

3 ammo as included minus one round for testing

4 rear takedown screw

5 forearm

6 barrel

A



